

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS JOSEPH MELGER,

Petitioner,

v.

GAVIN NEWSOM,

Respondent.

No. 2:24-cv-00026 KJM SCR P

ORDER

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 16, 2024, the magistrate judge filed findings and recommendations, which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within 21 days. Petitioner has not filed objections to the findings and recommendations.

Although it appears from the file that plaintiff's copy of the findings and recommendations was returned, plaintiff was properly served. It is the plaintiff's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1 The court presumes that any findings of fact are correct. *See Orand v. United States*,
2 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed
3 de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law
4 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court
5”). Having reviewed the file, the court finds the findings and recommendations to be
6 supported by the record and by the proper analysis.

7 Accordingly, IT IS HEREBY ORDERED as follows:

- 8 1. The findings and recommendations filed May 16, 2024 (ECF No. 8) are adopted in
9 full.
- 10 2. The motion to proceed in forma pauperis (ECF No. 2) is denied as moot.
- 11 3. The petition for writ of habeas corpus is dismissed without leave to amend.
- 12 4. The court declines to issue the certificate of appealability referenced in 28 U.S.C.
13 § 2253.
- 14 5. The Clerk of Court is directed to close this case.

15 DATED: August 16, 2024.

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19 CHIEF UNITED STATES DISTRICT JUDGE
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